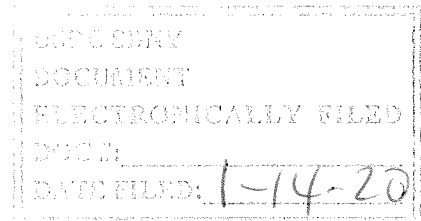


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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ECAPITAL LLC,

Plaintiff,

v.

848 GLOBAL LLC and ELIAKIM OMAR
JOHNSON,

Defendants.
-----X

ORDER

20 CV 244 (VB)

Plaintiff brings this action invoking subject matter jurisdiction by reason of diversity of citizenship under 28 U.S.C. § 1332(a).

To invoke diversity jurisdiction under 28 U.S.C. § 1332, there must be complete diversity of citizenship. Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996). Thus, 28 U.S.C. § 1332 “applies only to cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant.” Id.; see also Lincoln Prop. Co. v. Roche, 546 U.S. 81, 89 (2005). Specifically, 28 U.S.C. § 1332(a)(1) applies when the dispute is between “citizens of different States.”

“An individual’s citizenship, within the meaning of the diversity statute, is determined by his domicile.” Palazzo ex rel. Delmage v. Corio, 232 F.3d 38, 42 (2d Cir. 2000). “Domicile is ‘the place where a person has his true fixed home and principal establishment, and to which, whenever he is absent, he has the intention of returning.’” Id. (quoting Linardos v. Fortuna, 157 F.3d 945, 948 (2d Cir. 1998)). “[R]esidence alone is insufficient to establish domicile for jurisdictional purposes.” Van Buskirk v. United Grp. of Cos., Inc., 935 F.3d 49, 54 (2d Cir. 2019).

“[A] corporation shall be deemed to be a citizen of any State . . . by which it has been incorporated and of the State . . . where it has its principal place of business.” 28 U.S.C. 1332(c)(1); see also Hertz Corp. v. Friend, 559 U.S. 77, 80 (2010). A limited liability company

("LLC") has the citizenship of each of its individual or entity members. Handelsman v. Bedford Vill. Assocs. Ltd. P'ship, 213 F.3d 48, 51-52 (2d Cir. 2000).

The complaint alleges plaintiff eCapital LLC is a Nevada limited liability company but fails to allege the citizenship of its members. The complaint further alleges defendant 848 Global LLC is a New York limited liability company but too fails to allege the citizenship of its members. As limited liability companies, eCapital LLC and 848 Global LLC's locations are insufficient to establish their citizenship for purposes of federal diversity jurisdiction.

Moreover, the complaint alleges defendant Eliakim Omar Johnson is a resident of New York. Plaintiff's residence alone is insufficient to establish citizenship for purposes of federal diversity jurisdiction.

Accordingly, by January 21, 2020, plaintiff's counsel shall submit a letter explaining in detail the citizenship of every party in this case so that the Court can determine whether it has subject matter jurisdiction to adjudicate plaintiff's claims.

Dated: January 14, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', with a long horizontal flourish extending to the right.

Vincent L. Briccetti
United States District Judge